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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 ALLAH© (f.k.a. EDWIN  
9 RANDAL COSTON),

No. 13-CV-00355-JTR

10  
11 Petitioner,

12 vs.

13 JOHN MCGRATH,

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING HABEAS ACTION

14 Respondent.

15 On November 27, 2013, Magistrate Judge Rodgers recommended Petitioner  
16 Allah©'s Petition be dismissed as he had failed to pay the applicable \$5.00 filing fee or  
17 to provide an *in forma pauperis* application with the certificate portion completed by  
18 the institution of incarceration. See Rules 3(a) and 1(b), Rules Governing Section 2254  
19 Cases in the United States District Courts; 28 U.S.C. § 1914(a). The deadline for filing  
20 Objections was December 11, 2013.

21 On December 13, 2013, the Court received correspondence apparently from  
22 inmate Robert L. Barksdale at the Spokane County Jail. The envelope, however,  
23 contained a document from Petitioner Allah© dated December 4, 2013 and titled,  
24 "Notice to so-called Magistrate Judge John T. Rodgers Report and Recommendation,"  
25 ECF No. 8, along with an incomplete application to proceed *in forma pauperis*. ECF  
26 No. 9. In his "Notice," Petitioner reiterates abusive name-calling against Judicial  
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28 ORDER ADOPTING REPORT AND RECOMMENDATION . . . 1

1 Officers of this Court, and continues to object to the use of the name Edwin R. Coston,  
2 to hold him in custody.

3 For the reasons set forth above, and in the Report and Recommendation **IT IS**  
4 **ORDERED** the Report and Recommendation is **ADOPTED** in its entirety and this  
5 action is **DISMISSED without prejudice** for failure to comply with applicable filing  
6 fee provisions.

7 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
8 Order, enter judgment, forward copies to Petitioner at his last known address, and close  
9 the file. The Court further certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal  
10 from this decision could not be taken in good faith, and there is no basis upon which to  
11 issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R.App. P. 22(b).

12 **DATED** this 16th day of December, 2013.

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15 *s/Lonny R. Suko*

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17 LONNY R. SUKO  
18 SENIOR . S. DISTRICT JUDGE  
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